IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID BINDER, *et al.*,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
v.	:	
	:	
PPL CORPORATION, *et al.*,	:	NO. 5:22-cv-00133-MRP
	:	
Defendants.	:	

ORDER

AND NOW, this 13th day of December, 2024, upon consideration of Defendants'

Motion for Summary Judgment (ECF No. 99), and Plaintiffs' response thereto, it is hereby

ORDERED that the Motion is **DENIED**.[1]

BY THE COURT:

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Hon. Mia R. Perez

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[1] Summary judgment is properly granted when there is "no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). Facts are material if they "might affect the outcome of the suit under the governing law." *Physicians Healthsource, Inc. v. Cephalon, Inc., et al.*, 954 F.3d 615, 618 (3d Cir. 2020). A dispute as to those facts "is genuine if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.* This Court "view[s] all the facts in the light most favorable to the nonmoving party and draw all inferences in that party's favor." *Id.*

The parties present several well-supported disputes of material facts. The disputes include, *inter alia*, whether Defendants applied a consistent process for monitoring and retaining the Focus Funds as compared to other Plan investments; whether Defendants prudently retained the Focus Funds (including whether Defendants retained the Focus Funds due to their conservative strategy); and whether Defendants imprudently selected higher-cost shares of the Focus Funds (including whether fee reductions were available for the Focus Funds). At this stage, the Court may not "weigh the evidence and determine the truth of the matter." *Baloga v. Pittston Area Sch. Dist.*, 927 F.3d 742, 752 (3d Cir. 2019). Rather, the Court is tasked with determining whether there is a need for trial. *See id.* Because the evidence presents numerous genuine disputes that should be decided by a factfinder, Defendants' motion for summary judgment is denied, and this case will proceed to trial.